

ESSB 5909 - S AMD 102

By Senator Rasmussen

1 Strike everything after the enacting clause and insert the
2 following:

3 "**Sec. 1.** RCW 74.13.031 and 2007 c 413 s 10 are each amended to
4 read as follows:

5 The department shall have the duty to provide child welfare
6 services and shall:

7 (1) Develop, administer, supervise, and monitor a coordinated and
8 comprehensive plan that establishes, aids, and strengthens services for
9 the protection and care of runaway, dependent, or neglected children.

10 (2) Within available resources, recruit an adequate number of
11 prospective adoptive and foster homes, both regular and specialized,
12 i.e. homes for children of ethnic minority, including Indian homes for
13 Indian children, sibling groups, handicapped and emotionally disturbed,
14 teens, pregnant and parenting teens, and annually report to the
15 governor and the legislature concerning the department's success in:
16 (a) Meeting the need for adoptive and foster home placements; (b)
17 reducing the foster parent turnover rate; (c) completing home studies
18 for legally free children; and (d) implementing and operating the
19 passport program required by RCW 74.13.285. The report shall include
20 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

21 (3) Investigate complaints of any recent act or failure to act on
22 the part of a parent or caretaker that results in death, serious
23 physical or emotional harm, or sexual abuse or exploitation, or that
24 presents an imminent risk of serious harm, and on the basis of the
25 findings of such investigation, offer child welfare services in
26 relation to the problem to such parents, legal custodians, or persons
27 serving in loco parentis, and/or bring the situation to the attention
28 of an appropriate court, or another community agency: PROVIDED, That
29 an investigation is not required of nonaccidental injuries which are
30 clearly not the result of a lack of care or supervision by the child's

1 parents, legal custodians, or persons serving in loco parentis. If the
2 investigation reveals that a crime against a child may have been
3 committed, the department shall notify the appropriate law enforcement
4 agency.

5 (4) Offer, on a voluntary basis, family reconciliation services to
6 families who are in conflict.

7 (5) Monitor out-of-home placements, on a timely and routine basis,
8 to assure the safety, well-being, and quality of care being provided is
9 within the scope of the intent of the legislature as defined in RCW
10 74.13.010 and 74.15.010, and annually submit a report measuring the
11 extent to which the department achieved the specified goals to the
12 governor and the legislature.

13 (6) Have authority to accept custody of children from parents and
14 to accept custody of children from juvenile courts, where authorized to
15 do so under law, to provide child welfare services including placement
16 for adoption, to provide for the routine and necessary medical, dental,
17 and mental health care, or necessary emergency care of the children,
18 and to provide for the physical care of such children and make payment
19 of maintenance costs if needed. Except where required by Public Law
20 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
21 children for adoption from the department shall discriminate on the
22 basis of race, creed, or color when considering applications in their
23 placement for adoption.

24 (7) Have authority to provide temporary shelter to children who
25 have run away from home and who are admitted to crisis residential
26 centers.

27 (8) Have authority to purchase care for children; and shall follow
28 in general the policy of using properly approved private agency
29 services for the actual care and supervision of such children insofar
30 as they are available, paying for care of such children as are accepted
31 by the department as eligible for support at reasonable rates
32 established by the department.

33 (9) Establish a children's services advisory committee which shall
34 assist the secretary in the development of a partnership plan for
35 utilizing resources of the public and private sectors, and advise on
36 all matters pertaining to child welfare, licensing of child care
37 agencies, adoption, and services related thereto. At least one member
38 shall represent the adoption community.

1 (10)(a) Have authority to provide continued foster care or group
2 care as needed to participate in or complete a high school or
3 vocational school program.

4 (b)(i) Beginning in 2006, the department has the authority to allow
5 up to fifty youth reaching age eighteen to continue in foster care or
6 group care as needed to participate in or complete a posthigh school
7 academic or vocational program, and to receive necessary support and
8 transition services.

9 (ii) In 2007 and 2008, the department has the authority to allow up
10 to fifty additional youth per year reaching age eighteen to remain in
11 foster care or group care as provided in (b)(i) of this subsection.

12 (iii) A youth who remains eligible for such placement and services
13 pursuant to department rules may continue in foster care or group care
14 until the youth reaches his or her twenty-first birthday. Eligibility
15 requirements shall include active enrollment in a posthigh school
16 academic or vocational program and maintenance of a 2.0 grade point
17 average.

18 (iv) Within funds specifically provided therefor, beginning in
19 September 2008, the department has the authority to allow up to
20 twenty-five youth reaching age eighteen to return to foster care within
21 six months of leaving foster care for the purposes provided in (b)(i)
22 of this subsection. If a youth, under age nineteen, leaves foster care
23 before receiving his or her high school diploma, he or she may return
24 to foster care within six months of leaving for the purpose of
25 receiving his or her high school diploma or GED. A youth eligible to
26 return to foster care under this subsection must sign a voluntary
27 placement agreement with the department before returning to foster
28 care.

29 (11) Refer cases to the division of child support whenever state or
30 federal funds are expended for the care and maintenance of a child,
31 including a child with a developmental disability who is placed as a
32 result of an action under chapter 13.34 RCW, unless the department
33 finds that there is good cause not to pursue collection of child
34 support against the parent or parents of the child. Cases involving
35 individuals age eighteen through twenty shall not be referred to the
36 division of child support unless required by federal law.

37 (12) Have authority within funds appropriated for foster care
38 services to purchase care for Indian children who are in the custody of

1 a federally recognized Indian tribe or tribally licensed child-placing
2 agency pursuant to parental consent, tribal court order, or state
3 juvenile court order; and the purchase of such care shall be subject to
4 the same eligibility standards and rates of support applicable to other
5 children for whom the department purchases care.

6 Notwithstanding any other provision of RCW 13.32A.170 through
7 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
8 services to be provided by the department of social and health services
9 under subsections (4), (6), and (7) of this section, subject to the
10 limitations of these subsections, may be provided by any program
11 offering such services funded pursuant to Titles II and III of the
12 federal juvenile justice and delinquency prevention act of 1974.

13 (13) Within amounts appropriated for this specific purpose, provide
14 preventive services to families with children that prevent or shorten
15 the duration of an out-of-home placement.

16 (14) Have authority to provide independent living services to
17 youths, including individuals who have attained eighteen years of age,
18 and have not attained twenty-one years of age who are or have been in
19 foster care.

20 (15) Consult at least quarterly with foster parents, including
21 members of the foster parent association of Washington state, for the
22 purpose of receiving information and comment regarding how the
23 department is performing the duties and meeting the obligations
24 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
25 recruitment of foster homes, reducing foster parent turnover rates,
26 providing effective training for foster parents, and administering a
27 coordinated and comprehensive plan that strengthens services for the
28 protection of children. Consultation shall occur at the regional and
29 statewide levels.

30 **Sec. 2.** RCW 43.31.470 and 2005 c 402 s 6 are each amended to read
31 as follows:

32 (1) An account is created in the custody of the state treasurer to
33 be known as the individual development account program account. The
34 account shall consist of all moneys appropriated to the account by the
35 legislature and any other federal, state, or private funds,
36 appropriated or nonappropriated, as the department receives for the
37 purpose of matching (~~low-income individuals~~) contributions from low-

1 income individuals and foster youth to their individual development
2 accounts. Expenditures from the account may be used only for the
3 following:

4 (a) Grants to sponsoring organizations selected by the department
5 to participate in the individual development account program to assist
6 sponsoring organizations in providing or arranging for the provision of
7 financial counseling and other related services to low-income
8 individuals or foster youth participating in the program and for
9 program administration purposes;

10 (b) A match to be determined by the department of up to four
11 dollars for every dollar deposited by an individual into the
12 individual's individual development account, except that the maximum
13 amount provided as a match for each individual development account
14 shall be four thousand dollars; and

15 (c) The department's administrative expenses in carrying out the
16 purposes of chapter 402, Laws of 2005.

17 (2) Only the director or the director's designee may authorize
18 expenditures from the account.

19 (3) The account is subject to allotment procedures under chapter
20 43.88 RCW, but an appropriation is not required for expenditures.

21 NEW SECTION. **Sec. 3.** (1) The Washington state institute for
22 public policy shall:

23 (a) Conduct a national review of state programs for youth
24 transitioning out of foster care covering state policies on eligibility
25 requirements for continued foster care, age thresholds for
26 transitioning services, types of services provided, and use of state
27 funds to supplement federal moneys for transitioning youth; and

28 (b) Survey foster youth and foster parents in Washington to provide
29 information on how well current services are meeting the needs of youth
30 transitioning out of foster care.

31 (2) The institute shall issue a preliminary report by September 1,
32 2008, with a final report by December 31, 2008."

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By Senator

1 On page 1, line 2 of the title, after "care;" strike the remainder
2 of the title and insert "amending RCW 74.13.031 and 43.31.470; and
3 creating a new section."

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